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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,705	12/13/2000	Alain Emile francois Roesgen	DN1998090USA	3268

7590                    04/08/2003

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
1733	13

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/719,705	ROESGEN, ALAIN EMILE FRACOIS
	<b>Examiner</b>	<b>Art Unit</b>
	Geoffrey L. Knable	1733

-- The MAILING DATE of this communication app ars on th cover sheet with th correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 January 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,8,9 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,8 and 9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12-20-2002 has been entered.

2. Claims 15-20 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made by original presentation and has not been traversed.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welter (US 4,262,726) or Iwata et al. (US 4,842,682) or Cluzel (US 5,996,662) taken in view of Oare et al. (US 5,368,082), EP 335,588 to Sumitomo and GB 1,487,426 to Verbauwhede.

Welter, Iwata et al., Cluzel and Oare et al. are applied for substantially the same reasons as set forth in the last office action. As to the new requirement that the ply be at 0-5 degree and formed from a wound ribbon, neither Welter nor Cluzel indicate specifically how the ply is formed while Iwata et al. indicates that the ply "1" can be formed by winding one or more cords but it is arguably not clear whether these are wound in the form of a ribbon (although it is not clear that this would necessarily even

form a materially different product). In any event, in the tire art, when forming plies that have cords oriented at essentially zero degrees, it is extremely well known and common to form these plies by winding a ribbon at a low angle with adjacent windings adjoining one another – GB '426 and EP '588 are merely exemplary. To form the low angled plies of the primary references by winding a ribbon would therefore have been obvious and further would have provided the well known and expected benefit of avoiding the material splice (and its consequent non-uniformities as well as potential weakness) that would otherwise be required in applying a full width ply.

5. Applicant's arguments filed 12-20-2002 have been fully considered but are unpersuasive with respect to the remaining rejections.

In particular, the 35 USC 102 rejections from the final rejection have been withdrawn in light of the amendments to the claims and the accompanying arguments. The 103 rejection based upon Roesgen (US 5,332,018) has also been withdrawn in light of the claim requirement that the ribbon be wound without overlapping. As to the remaining rejections, the newly stated grounds of rejection/new art has been added to address the lack of an explicit suggestion to wind a ribbon to form the low angled plies as claimed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 703-308-2062. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
April 6, 2003